

**United States Department of Labor
Employees' Compensation Appeals Board**

L.P., Appellant)	
)	
and)	Docket Nos. 23-0394 & 21-0282
)	
DEPARTMENT OF THE AIR FORCE, SHEPPARD AIR FORCE BASE, TX, Employer)	Issued: June 8, 2023
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 23-0394 AND
DISMISSING PETITION FOR RECONSIDERATION
IN DOCKET NO. 21-0282**

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On January 20, 2023 appellant sought an appeal from a decision of the Office of Workers' Compensation Programs dated September 24, 2020. The Clerk of the Appellate Boards assigned Docket No. 23-0394.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.¹ This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed her appeal.² As of the filing of the current appeal, the most recent OWCP decision was dated September 24, 2020. However, appellant previously appealed that decision to the Board. By a November 21, 2022 decision in Docket No. 21-0282, the Board affirmed OWCP's September 24, 2020 decision, finding that appellant had not established a greater permanent impairment of the left lower extremity for which she had previously received schedule award

¹ 5 U.S.C. § 8101 *et seq.*; 20 C.F.R. §§ 501.2(c) and 501.3(a).

² 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

compensation.³ As there is no final adverse decision issued by OWCP within 180 days of the filing of this appeal⁴ over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as Docket No. 23-0394 must be dismissed.

To the extent that appellant's January 20, 2023 appeal may be construed as a petition for reconsideration of the Board's November 21, 2022 decision in Docket No. 21-0282, the Board notes that its decision became final 30 days after its issuance.⁵ As appellant did not file her disagreement with the Board's November 21, 2022 decision until January 20, 2023, this submission may not be deemed a timely petition for reconsideration.⁶ Thus, the petition for reconsideration of the November 21, 2022 Board decision in Docket No. 21-0282 must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 23-0394 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 21-0282 is dismissed as untimely filed.⁷

³ Docket No. 21-0282 (issued November 21, 2022).

⁴ *Supra* note 2.

⁵ 20 C.F.R. § 501.6(d).

⁶ *See id.* at § 501.7(a).

⁷ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." *Supra* note 5.

Issued: June 8, 2023
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board